

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

COLLA et al.

Atty. Ref.: 4398-320

Serial No. Divisional of U.S. Serial No. 10/408,568

TC/A.U.: Unassigned

Filed: February 25, 2004

Examiner: Unassigned

For: FAULT DIAGNOSIS IN CPAP AND NIPPV DEVICES

* * * * *

February 25, 2004

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1. ☒ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

1. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and

charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

2. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

2. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

- a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.
- b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making

reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- c. ☐ Attached is our check in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p).

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(i).

- a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☐ The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☒ Copies of the documents were cited by or submitted to the Office in Application No. 10/408,568, filed April 8, 2003, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8. ☐ The publication date of at least one of the listed documents does not provide a month of publication. However, the year of publication of each listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Each publication date is listed on the attached PTO-1449 based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information was actually published on the date indicated.

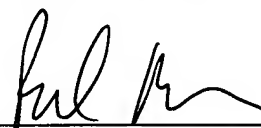
It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4398-320.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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**INFORMATION DISCLOSURE
CITATION**

ATTY. DOCKET NO.

4398-320

SERIAL NO.

Divisional of U.S. Serial No.
10/408,568

APPLICANT

COLLA et al.

(Use several sheets if necessary)

FILING DATE

February 25, 2004

TC/A.U.

Unassigned

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,584,973	07/2003	BIONDI et al.			
	6,591,834	07/2003	COLLA et al.			
	6,397,841	06/2002	KENYON et al.			
	6,363,270	03/2002	COLLA et al.			
	5,107,831	04/1992	HALPERN et al.			
	5,546,789	08/1996	BALKE et al.			
	5,558,086	09/1996	SMITH et al.			
	5,603,316	02/1997	COUFAL et al.			
	5,647,351	07/1997	WEISSMAN et al.			
	5,662,099	09/1997	TOBIA et al.			
	5,868,133	02/1999	DeVRIES et al.			
	5,881,717	03/1999	ISAZA			
	6,164,276	12/2000	BATHE et al.			
	6,024,087	02/2000	KERSEY et al.			
	6,220,244	04/2001	McLAUGHLIN			
	6,253,765	07/2001	HOGNELID et al.			
	6,279,574	08/2001	RICHARDSON et al.			
	6,369,838	04/2002	WALLACE et al.			
	6,425,395	07/2002	BREWER et al.			

FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
483 566	05/1992	EUROPE			
0621056 A1	10/1994	EUROPE			
2281513	03/1995	UNITED KINGDOM			
0656216 A2	06/1995	EUROPE			
WO 96/11717	04/1996	PCT			
WO 97/28838	08/1997	PCT			
WO 98/41268	09/1998	PCT			

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.